Report of the Chief Electoral Officer with Respect to the use of the Chief Electoral Officer's Emergency Powers during the Saskatoon Northwest By-Election October 18, 2010

ELECTIONS SASKATCHEWAN

SASKATCHEWAN

OFFICE OF THE
CHIEF ELECTORAL OFFICER

December 2, 2010

The Honourable Don Toth
Speaker of the Legislative Assembly
129 Legislative Building
Regina, Saskatchewan
S4S 0B3

Honourable Speaker:

Pursuant to subsection 7(6) of *The Election Act, 1996,* (The Act), I submit to you, within 60 days of Polling Day, a written report respecting my actions pursuant to subsection 7 (1) of The Act taken during the October 18, 2010 Saskatoon Northwest By-Election.

Included in the Report, I have highlighted two of the recommendations from the *Report of the Chief Electoral Officer - Volume III – Recommendations for Changes to The Election Act, 1996 - Twenty-Sixth Provincial General Election (Volume III)* previously tabled in the Legislative Assembly on April 30, 2009. Adopting these recommendations would greatly improve the chances of recruiting a full complement of capable poll officials across the Province for the November 7, 2011 General Election. It would also reduce the likelihood of the Chief Electoral Officer ever having to use the CEO's emergency powers for the purpose of recruiting poll officials from outside the constituency.

Respectfully submitted,

David A. Wilkie
Acting Chief Electoral Officer

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Report of the Chief Electoral Officer

This report is written as per subsection 7(6) of *The Election Act, 1996*. The requirement is to prepare and submit to the Speaker, within 60 days of Polling Day, a written report respecting actions taken pursuant to subsection 7(1) of *The Election Act, 1996*.

Throughout this by-election the Saskatoon Northwest Returning Officer has had a difficult time recruiting both enumerators and poll officials for the five polling divisions located outside the City of Saskatoon and whose polling places are located outside the City of Saskatoon. For the urban polls many of the experienced poll officials who worked at previous elections were available and a number of new recruits applied on the Elections Saskatchewan Website or phoned the Returning Office directly. Only one of the ten Deputy Returning Officers and Poll Clerks who worked in the five rural polls during the 2007 General Election agreed to be a poll official for the by-election.

Reasons sighted were:

- the roads were poor because of the high amount of rainfall this year;
- the rate of pay is too low and to take a day off work, the individual would lose money;
- just not enough pay for 13-14 hours; and
- getting too old to sit for 13-14 hours.

The Returning Officer was able to fill the Supervisory Deputy Returning Officers, Poll Clerks, Constables and all but four Deputy Returning Officer positions with eligible voters from within the constituency. Despite the efforts of the Returning Officer and her staff, I received a request from Darlene Britton, Returning Officer for Saskatoon Northwest, that poll officials from outside the constituency be used. She was short four Deputy Returning Officers. She had discussions with the Returning Officer in the neighbouring constituency of Saskatoon Meewasin and had no problem filling the vacant positions with experienced persons from that constituency.

Further, I gave my permission that if any of the poll officials from the constituency were sick on Election Day, and if spares from the constituency were not available, then persons who were not from the constituency could be re-assigned to take the place of "constables".

As required by subsection 7(3) of The Act, I gave notice on October 18, 2010 to every registered political party in the Province and every candidate in the constituency of Saskatoon Northwest. See Appendix I for a copy of the letter sent.

On Election Day, October 18, 2010, a total of four Deputy Returning Officers were required from the adjoining Saskatoon Meewasin constituency.

Recommendations

Given that the recruitment for the Saskatoon Northwest By-Election this year and both the Regina Douglas Park and Saskatoon Riversdale By-Elections last year proved to be so difficult; it could well be a warning about the staffing challenges Elections Saskatchewan may face for the November 7, 2011 General Election.

To combat the dwindling and aging pool of experienced election workers, the Office has begun a new outreach program. A pilot project was put in use via setting up a booth at the University of Regina Career Fair on September 28, 2009. At the event, students were urged to enter their names for a chance to win one of twenty-five "memory sticks"; the entry form had a check box if they wished to be contacted about any future election positions. This pilot gathered a new database of 300+ names in a younger demographic. Elections Saskatchewan was invited to have a booth at the Spirit of Our Nations 2010 Pow Wow and Trade Show held at the Credit Union Centre, Saskatoon. October 29-31, 2010. Similarly attendees at the event could put their name in to win a prize. Two hundred and eighteen additional names were added to the Elections Saskatchewan database for future enumerators and poll officials.

In the year 2011, this outreach program will be further expanded to attend the numerous fairs, career days, etc. across the Province. As promising as this new outreach program appears to be, other solutions are also needed in order to find enough qualified persons to fill all the election official positions for the 2011 General Election.

After the Douglas Park and Saskatoon Riversdale By-Elections, a similar report on the use of the Chief Electoral Officer's Emergency Powers was tabled in the Legislative Assembly on November 24, 2009. Once again I recommend:

That *The Election Act, 1996* be amended to:

1. include a provision for the Chief Electoral Officer, in writing, to authorize the appointment of eligible voters from outside the constituency in the case of an emergency or for specialized polls such as hospital polls, remand centre polls and mobile polls; and
2. reduce the minimum age for Poll Clerks (and Information Officers) to age 16.

In the *Report of the Chief Electoral Officer – Volume III – Recommendations for Changes to The Election Act, 1996 - Twenty-Sixth Provincial General Election (Volume III)* which was tabled in the Legislative Assembly on April 30, 2009, two of the 120 recommendations would eliminate the use of the Chief Electoral Officer's Emergency Powers for the purpose of getting poll officials from outside the constituency.

The above two recommendations are outlined more fully on Pages 17 – 18 of *"Volume III"* – See *Appendix II.*

In last year's report on the use of emergency powers, I also referred to the need for increases in the schedule of fees. The Office of the Chief Electoral Officer is now working on a proposed Schedule of Fees Regulation to submit to the Government in the spring of 2011.

David A. Wilkie
Acting Chief Electoral Officer
November 2010

Appendix I

SASKATCHEWAN

OFFICE OF THE
CHIEF ELECTORAL OFFICER

October 14, 2010

To: Registered Political Parties
Candidates in the Saskatoon Northwest Constituency

From: David A. Wilkie
Acting Chief Electoral Officer

Regarding the Use of Emergency Powers for Poll Officials Outside the Constituency

Throughout this by-election the Saskatoon Northwest Returning Officer has had a difficult time recruiting both enumerators and poll officials for the five polling divisions located outside the City of Saskatoon and whose polling places are located outside the City of Saskatoon. For the urban polls many of the experienced poll officials who worked at previous elections were available and a number of new recruits applied on the Elections Saskatchewan Website or phoned the Returning Office directly. Only one of the ten Deputy Returning Officers and Poll Clerks who worked in these five polls during the 2007 General Election agreed to be a poll official for the by-election.

Reasons sighted were:

- the roads were poor because of the heavy rain this year;
- the rate of pay is too low. To take a day off work, the individual would lose money;
- just not enough pay for 13-14 hours; and
- getting too old to sit for 13-14 hours.

The Returning Officer has been able to fill the Supervisory Deputy Returning Officers, Poll Clerks, Constables and all but three Deputy Returning Officer positions with eligible voters from within the constituency. Despite the efforts of the Returning Officer and her staff, I have received a request from Darlene Britton, Returning Officer for Saskatoon Northwest, that poll officials from outside the constituency be used. At the present time, she is short two Deputy Returning Officers in rural polls #3 and #4, one Deputy Returning Officer in urban poll #35 and two spares. She has had discussions with the Returning Officer in the neighbouring constituency of Saskatoon Meewasin and will have no problem with filling these positions with experienced persons from that constituency.

Therefore as per section 7(1), and 7(1) (b) of *The Election Act, 1996* (The Act), I hereby give my approval for the Returning Officer of Saskatoon Northwest to hire and train poll officials for the positions noted above.

As per subsection 7(3) of The Act, I now give notice to every registered political party and every candidate in the Constituency of Saskatoon Northwest.

Sincerely yours,

David A Wilkie

David A. Wilkie
Acting Chief Electoral Officer

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Appendix II

ELECTION OFFICERS

1. Provisions for Appointment of Election Officers from Outside Constituency [Section 10, 13, 20 & 37]

Background:

Currently all poll officials have to work in the constituency in which they reside. While every effort should be made to find suitable eligible voters in the constituency to appoint as election officers, there may be emergency situations where no qualified individual may be found on short notice.

In the 26th General Election, as in previous elections, some Returning Officers had difficulty in finding eligible, qualified election officials living in their constituency. In some cases officials who were less qualified were hired at the same time as other constituencies had a waiting list of more qualified individuals who could have served as poll officials in the adjoining constituency. The legislation in Alberta allows that if there is not a sufficient number of qualified persons in the constituency, the Returning Officer may appoint qualified persons from any other constituency. Canada, Manitoba, Newfoundland and Labrador, Nunavut and Yukon have similar legislation.

In the 26th General Election some Returning Officers with large hospital polls found it difficult to find enough qualified poll officials for Election Day. For hospital polls and other specialized polls, individuals who are used to dealing with patients, especially older patients, are hard to find at the best of times. Typically most hospitals have a pool of volunteers that could be recruited to take on the poll official roles in hospitals. Often the volunteers do not live within the specific constituency in which the hospital is located. Polls in remand centres and mobile polls may also have similar problems finding poll officials that are resident in the constituency in which the institution is located. This recommendation was first made in the Annual Report of 2006 - 2007 and has been updated.

2. Poll Clerk - Reduction of Minimum Age [Section 13]

Background:

The labour pool from which poll officials come is getting older. Statistics from the October 14, 2008 federal election show that the age group 60-69 comprises the largest percentage of electoral workers in Saskatchewan (34.88%). When the age group 70-79 and 80+ are added, in about 50% of election workers are 60 and over. This is a trend across the country. At the same time, the voter turnout for young voters age 18-24 gets lower and lower. In the last round of amendments to The Act, the minimum age of Candidates Representatives was lowered from age 18 to age 14. In debriefings with Returning Officers and representatives of registered political parties, held after the 26th General Election, there were no complaints about the lowering of the minimum age of candidates' representatives. New Brunswick has amended its legislation to allow the minimum age of Poll Clerks to be lowered to 16. Canada allows 16 and 17 years to be poll officials if the Returning Officer is having difficulty finding enough poll officials. Similarly in Ontario, 16 and 17 year old enumerators can be approved by the Chief Electoral Officer upon request from the Returning Officer. Newfoundland and Labrador has similar legislation. The age requirement for a Poll Clerk to be reduced from eighteen to sixteen years of age is being considered in Alberta.

Appendix II

The young Poll Clerks would be paired with experienced Deputy Returning Officers. The lowering of the minimum age for Poll Clerks and the possibility that school divisions may wish to schedule a professional development day to coincide with the new fixed election date of Monday, November 7, 2011. This would provide a new pool of younger poll officials and give soon-to-be-voters an inside view of the electoral system. It has been noted by Returning Officers in Saskatchewan and elsewhere in the country, that when young adults act as poll officials, they often talk about their training and the fact that they will be a poll official on Election Day. This may spur on their friends to take an interest in voting as well. In Québec, for example, Election Day is a day off/vacation day for students.

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